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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,864	07/06/2000	KAZUHIKO TAKAHATA	2000-0956A	4446
513	7590	11/15/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			KIM, RICHARD H	
2033 K STREET N. W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20006-1021			2871	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,864

Applicant(s)

TAKAHATA ET AL.

Examiner

Richard H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) 28-39 and 45-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27 and 41-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27, 41-42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai (US 6,020,945) in view of Kubo et al. (US 6,456,279).

As to claim 27: Sawai discloses a touch-input type liquid crystal display device with an upper polarizer (6), a lower polarizer (2), a transparent touch panel (12) disposed between the upper polarizer (6) and the lower polarizer (2), an upper optical phase difference film (7), an electrode portion (ITO film), a stationary electrode portion (ITO film) and a lower optical phase difference film (11) and a liquid crystal display (1), wherein a space is interposed between the upper optical phase difference film (7) and the lower optical phase difference film (11), the transparent touch panel is disposed between the upper polarizer and the liquid crystal display (Fig. 9), the upper and lower optical phase difference film is capable of providing a $\frac{1}{4}$ wavelength phase delay to light, incident thereon, having a center wavelength within a visible region (550 nm) (col. 7, lines 9-16) and (col. 8, line 3).

In Fig. 2, Sawai also disclose the various angles such as an angle formed by an optical axis of the upper optical phase difference film (7) and a polarization axis of the upper polarizer (6) is about 45° and an angle formed by an optical axis of the lower optical phase difference film (11) and linearly polarized light to be outputted from the liquid crystal display (1) is about 45° .

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and an angle formed by the optical axis of the upper optical phase difference film and the optical axis of the lower optical phase difference film is about 90° (col. 7, lines 28-29), and an angle formed by the polarization axis of the upper polarizer (6) and linearly polarized light to be outputted from the liquid crystal display is about 90° (Fig. 2). In Fig. 14, Sawai disclose that the liquid crystal display is disposed between the transparent touch panel and the lower polarizer (140).

Sawai does not explicitly state a movable electrode portion on a lower surface of the upper phase difference film. However, Sawai discloses an ITO film as an electrode on the lower portion of the upper phase difference film (7) which is part of the touch panel.

Since the device is a touch panel and the ITO film is rather flexible that can move under pressure. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the ITO film as a movable electrode because the thinness of the structure and such the function is inherent.

Sawai does not disclose a re-peel sheet.

Kubo in discloses a liquid crystal display device with a touch pane, discloses a double-sided adhesive tape that fixes the members (40A and 40B) of the touch panel to the liquid crystal display device (1A) (see Fig. 1) and (col. 14, lines 27-35) and goes on to teach that by using the double sided adhesive tape, it is possible to peel the members (1A, i.e. the liquid crystal panel) and (40A and 40B, i.e. the touch panel) after bonding them together, as recited by the instant claim 27.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the double sided adhesive layer as disclosed by Kubo to the

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display device of Sawai to possibly reproduce the liquid crystal touch panel, the illumination device and the input device (i.e. touch panel) if they are mistakenly fixed (col. 14, lines 31-35).

As to claim 41, 42 and 44: Sawai also discloses a hard coating having a low moisture permeability (Fig. 3), a PET film (a transparent adhesive layer i.e. hard coating) bonded to the ITO film and anti reflective coatings (col. 1, line 52).

3. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai in view of Kubo and further in view of Sugiyama et al. (US 5,498,657).

Sawai in view of Kubo does not disclose an antifouling processed layer.

Sugiyama in disclosing a fluorine containing polymer composition, discloses that such a composition could be used as an antifouling layer for devices such as touch panels, liquid crystal etc. (col. 15, lines 37-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt the polymer composition as disclosed by Sugiyama to the device of Sawai when modified by Kubo for improving mechanical properties, scratch resistance and creep resistance (col. 10, lines 60-67) and (col. 11, lines 1-5).

Response to Arguments

4. Applicant's arguments filed 8/30/05 have been fully considered but they are not persuasive.

5. In response to Applicant's argument that Kubo et al. fails to disclose or suggest that the whole surface of the touch pane (40A and 40B) and the double-side adhesive tape are adhered to

each other, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Instant claim 27 only recites that the transparent re-peel sheet adhesively bonds *overall* the members.

6. In response to Applicant's argument that Kubo et al. discloses that an unwoven fabric impregnated with a pressure sensitive adhesive is an exemplary type of adhesive envisioned by Kubo et al., Examiner submits that by Kubo et al. disclosing an exemplary example of the type of adhesive that may be used does exclude that other types of adhesive can be used.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard H. Kim whose telephone number is (571)272-2294. The examiner can normally be reached on 9:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard H Kim
Examiner
Art Unit 2871

RHK


ANDREW SCHECHTER
PRIMARY EXAMINER